

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JACKIE FISHER

*Plaintiff,*

vs.

UNIVERSITY OF TEXAS  
MEDICAL BRANCH and  
DAVID WATSON

*Defendants.*

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CIVIL ACTION NO. 4:08-CV-01273

Jury Demanded

**MOTION TO EXCLUDE**

1) Document which have highlighted/underlined or otherwise altered beyond what was in the original.

Fisher, 3, 4, 6, 7, 11, 27 (100432-100434), 28, 30, 34 (100188), 43, 44 (200523, 200524, and 200526), 48 (101132, 101133, 101134, 101135, 101136), 49, 77 (000125), 80, 93, (200180-200182), 69 (200144-200146, 200148, 200150, 200156, 200165, 200169, 200171.)

2) Hearsay and conclusory statements made by Jackie Fisher in her grievances. Fisher 8 (100308, 310) , 14 (100306), 15 (100148), 18 (100229, 100292, 100293, 100294, 100295, 100296, 100298, 100299), 24 (100126, 100127).

3) Relevancy and Hearsay  
Fisher 24 (100125, 100128, 100129, 100130, 1009131, 100139)  
25 (200344, 200345, 200346, 200353, 200354, 200354, 200344)  
33, relevancy and hearsay

36, Hearsay - (100214, 100215)

40, Hearsay - (100304)

42, Hearsay - (100302)

48: Relevancy-hearsay, identifying information as to inmate (101131).

50 :Not proper exhibit, irrelevant, not for jury to decide

51: Relevancy, hearsay and identifying information.

52: Relevancy, hearsay and identifying information.

53: Relevancy, hearsay and identifying information.

54: Relevancy, hearsay and identifying information.

55: Relevancy, hearsay and identifying information.

56: Relevancy, hearsay and identifying information.

59: Relevancy, hearsay and identifying information

60: Relevancy, hearsay and identifying information

62: Relevancy, hearsay and identifying information.

63: Relevancy, hearsay and identifying information.

94:Relevancy, hearsay and identifying information.

68: Hearsay (200014)

70: Prejudice, relevancy, hearsay

72: Hearsay, relevancy

87: Hearsay (100302)

88: Hearsay (100304)

100: Not proper exhibit, irrelevant, not for jury to decide.(100190),

102: Prejudice out weights probative value, hearsay, untrustworthy.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

C. ANDREW WEBER  
First Assistant Attorney General

DAVID S. MORALES  
Deputy Attorney General for Civil Litigation

ROBERT B. O'KEEFE  
Chief, General Litigation Division

/s/Sam Lively  
\_\_\_\_\_  
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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and forgoing document has been sent via electronic notification, on February 18, 2010, to the following individual:

Jo Miller  
505 North Main  
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Conroe, Texas 77301

/s/Sam Lively  
\_\_\_\_\_  
SAM LIVELY  
Assistant Attorney General